IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION Nos:17865, 18000, 18001 and 18156 of 2004

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WRIT PETITION No.17865:

Between:

M/s.Victory Alloy Steels Limited, Hyderabad, rep., by its Chairman and Managing Director Sri V.V.Naidu, s/o V.Malakondaiah Naidu, aged 54 years, r/o Plot No.15, Saptagiri Apartments, S4, Sreenivasa Nagar Colony West, Hyderabad-500 038.

..... PETITIONER

AND

1 The Commissioner of Police, Cyberabad, R.R.District.
2 The Station House Officer, Medchal P.S., R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in not initiating any action pursuant to the complaints lodged by the petitioner on 14-5-2004 and 22-9-2004 as illegal, arbitrary, unconstitutional and violative of Articles 16, 19 and 21 of the Constitution of India and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

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WRIT PETITION No.18000 of 2004:

Between:

M/s. Victory Alloy Steels Limited, Hyderabad, Rep. by its Chairman and Managing Director Sri V.V. Naidu S/o. V. Malakondaiah Naidu, Aged 54 Years, R/o. Plot No.15, Saptagiri Apartments, S4, Sreenivasa Nagar Colony West, Hyderabad 500 038.

..... PETITIONER

AND

1 The Commissioner of Police, Cyberabad, R.R. District.
2 The Station House Officer, Medchal P.S., R.R. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents in not initiating any action pursuant to the complaints lodged by the petitioner on 14-5-2004 as illegal, arbitrary, unconstitutional and violative of Articles 16, 19 and 21 of the Constitution of India.

WRIT PETITION No: 18001 of 2004

Between:

M/s. Victory Alloy Steels Limited, Hyderabad, Rep. by its Chairman and Managing Director Sri V.V. Naidu, S/o. V. Malakondaiah Naidu, Aged 54 Years, R/o. Plot No.15, Saptagiri Apartments, S4, Sreenivasa Nagar Colony West, Hyderabad - 500 038.

..... PETITIONER

AND

1 The Commissioner of Police, Cyberabad, R.R. District.
2 The Station House Officer, Medchal, P.S., R.R. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents in not initiating any action

pursuant to the complaints lodged by the petitioner on 14-5-2004 as illegal, arbitrary, unconstitutional and violative of Articles 16, 19 and 21 of the Constitution of India.

WRIT PETITION No: 18156 of 2004

Between:

V. Mahindra, S/o. V.V. Naidu, Aged about 32 years, Occ.Business
R/o. Plot No. 15, S4, Saptagiri Apartments, Srinivasanagar Colony (West), Hyderabad.

..... PETITIONER

AND

1 The Commissioner of Police, Cyberabad, R.R. District.
2 The Station House Officer, Medchal P.S., R.R. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in not initiating any action pursuant to the complaint lodged by the petitioner on 22-9-2004 as illegal, arbitrary, unconstitutional and violalative of Articles 16, 19 and 21 of the Constitution of India.

Counsel for the Petitioner (in all the writ petitions): MR.PRAKASH CHAKRAVARTHY

Counsel for the Respondents (in all the writ petitions): GP FOR HOME

The Court at the admission stage made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION Nos.17865, 18000, 18001 & 18156 OF 2004

COMMON ORDER :

All these writ petitions, in which an identical prayer is made, are heard together and disposed of by this common order.

The petitioner in W.P.Nos.17865, 18000 & 18001 of 2004 is M/s. Victory Alloy Steels Limited, represented by its Chairman and Managing Director Sri V.V. Naidu. The petitioner in W.P.No.18156 of 2004 is one V.Mahindra, S/o. V.V.Naidu. All the four writ petitions are filed aggrieved by the alleged inaction on the part of the respondents in taking necessary action pursuant to the complaints lodged by the petitioners. In W.P.Nos.17865, 18000 & 18001 of 2004, it is claimed that the

petitioner company is the absolute owner of certain extents of land situated in different survey numbers as specified therein situated in Medchal village and Mandal, R.R. District. It is alleged that some unconcerned persons have been interfering with the possession and enjoyment of the petitioner in respect of the said property and they have been attempting to grab the said property and therefore the petitioner instituted civil suits viz., O.S.Nos.201, 202 and 203 of 2004 on the file of the Court of the Junior Civil Judge, Medchal and pending the civil suits, ad interim injunction has been granted in favour of the petitioner. It is alleged that in spite of the order of injunction, the third parties continued to interfere with the possession of the petitioner and they also removed fencing put around the lands in question. In the circumstance, the petitioner lodged complaint dated 14-05-2004 before the second respondent – Station House Officer, Medchal P.S., R.R. District requesting to take appropriate action against the said persons. However, the respondents failed to take any action.

In W.P.No.18156 of 2004, the petitioner therein claims to be the absolute owner and possessor of the land situated in Sy.No.831 admeasuring 9 guntas in Medchal village and Mandal. It is alleged that one Vijaya kumar Gupta and his henchmen who are not concerned with the said land started interfering with his peaceful possession and enjoyment of the said land and therefore he filed O.S.No.1269 of 2004 on the file of the Court of the II-Addl. Senior Civil Judge, R.R.District against the said Vijaya kumar Gupta and obtained ad interim injunction on 15-09-2004 restraining him from interfering with his possession and enjoyment. It is alleged that in spite of the order of injunction, the said Vijaya kumar Gupta came to his land and removed fencing and therefore the petitioner lodged a complaint before the second respondent. However, he failed to take any action and taking undue advantage of the inaction on the part of the second respondent, the said Vijaya kumar Gupta and his henchmen increased their interference and raised their own fencing and also dug some pits in order to raise some structures over the land of the petitioner. Hence, the petitioner lodged another complaint on 22-09-2004 with the respondents duly enclosing copy of the order of injunction passed by the Civil Court. Therefore, this writ petition is filed on 01-10-2004 alleging that the respondents failed to take any action pursuant to the complaint made by him.

In all the writ petitions, separate counter-affidavits have been filed by the Sub-Inspector of Police, Medchal P.S., Cyberabad, Hyderabad denying the allegations made by the petitioners and stating that G.D. entries were made and the Sub-Inspector of Police, Medchal P.S. personally visited the lands of the petitioners on 14-05-2004 itself, but there were no men as alleged by the petitioners in their complaints. It is also stated that no cases have been registered against anybody with regard to the lands in dispute and the dispute is purely of a civil nature. It is further stated that the allegations made by the petitioners are false and without any basis, and the writ petitions are filed merely on the apprehensions of the petitioners.

In view of what has been stated in the counter-affidavits filed on behalf of the respondents, the alleged inaction on the part of the respondents cannot be accepted and the relief as prayed for cannot be granted. However, if the petitioners would have any further grievance, it is always open to the petitioners to approach the Criminal Court or the Magistrate concerned having jurisdiction and file complaints under Sections 190 of the Code of Criminal Procedure.

Accordingly, granting leave and liberty, the Writ Petitions are dismissed. No costs.

02nd November, 2004.

vgb

To

1 The Commissioner of Police, Cyberabad, R.R.District.
2 The Station House Officer, Medchal P.S., R.R.District.

3 2CCs to the Government Pleader for Home, High Court Buildings,

Hyderabad (OUT)

4 2CD copies